



BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

MARC SPITZER, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
MIKE GLEASON  
KRISTIN K. MAYES

IN THE MATTER OF THE APPLICATION OF  
NET2000 COMMUNICATIONS SERVICES, INC.  
FOR CANCELLATION OF ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO PROVIDE  
COMPETITIVE RESOLD  
TELECOMMUNICATIONS SERVICES EXCEPT  
LOCAL EXCHANGE SERVICES.

DOCKET NO. T-03523A-02-0037

DECISION NO. 66592

ORDER

**RECEIVED**

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AZ CORPORATION COMMISSION  
DIRECTOR OF UTILITIES

Open Meeting  
December 2 and 3, 2003  
Phoenix, Arizona

**BY THE COMMISSION:**

Having considered the entire record herein and being fully advised in the premises, the  
Commission finds, concludes, and orders that:

FINDINGS OF FACT

1. On October 8, 1998, in Decision No. 61170, the Commission granted to Net2000  
Group, Inc. ("Net2000" or "Applicant") a Certificate of Convenience and Necessity ("CC&N")  
authorizing it to provide competitive interLATA/intraLATA resold telecommunications services,  
except local exchange services, in Arizona.

2. On April 28, 1999, Applicant made a tariff filing to change its name to Net2000  
Communications Services, Inc.

3. On January 15, 2002, Net2000 filed in this docket an application requesting that the  
Commission cancel its CC&N and any associated tariffs on file with the Commission. The  
application stated that Net2000 filed a bankruptcy petition on November 16, 2001, and that pursuant  
to orders of the Bankruptcy Court, that it transferred all its assets and customers to Cavalier  
Telephone Corporation, after providing the customers with written notice of the transfer in  
compliance with Federal Communication Commission ("FCC") rule requirements.

4. On October 21, 2003, the Commission's Utilities Division Staff ("Staff") filed a Staff



Report in this matter, recommending that Net2000's CC&N be cancelled.

5. Staff states that Net2000 is no longer doing business, does not service any intrastate customers, and no prepayments, deposits, or advances would be at risk by cancellation of Net2000's CC&N. Decision No. 61170 did not authorize Net2000 to collect advance payments or deposits.

6. Numerous other carriers in Arizona offer services similar to those that Net2000 is currently certificated to provide.

7. No Arizona customers will be affected by the requested cancellation.

### CONCLUSIONS OF LAW

1. Applicant is a public service corporation within the meaning of Article XV of the Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

2. The Commission has jurisdiction over Applicant and the subject matter of the application.

3. The cancellation of Applicant's CC&N is in the public interest.

4. Staff's recommendations in Findings of Fact No. 4 are reasonable and should be adopted.

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ORDER

IT IS THEREFORE ORDERED that the application of Net2000 Communications Services, Inc. for the cancellation of its Certificate of Convenience and Necessity and associated tariffs is hereby approved.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto, set my hand and caused the official seal of this Commission to be affixed at the Capitol, in the City of Phoenix, this 9<sup>th</sup> day of December, 2003.

BRIAN C. McNEIL  
Executive Secretary

DISSENT: \_\_\_\_\_

DISSENT: \_\_\_\_\_

TW:mlj



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NET2000 COMMUNICATIONS SERVICES, INC.

2 DOCKET NO.:

T-03523A-02-0037

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